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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,889	12/26/2001	Bertram Geck	2001 P 18373 US	8303

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EXAMINER

DYKE, KERRI M

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/032,889	Applicant(s) GECK ET AL.	
	Examiner Kerri M. Dyke	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/03/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruno et al. (US 6,020,915).

3. In regards to claim 1, Bruno discloses a virtual private communications network (VPCN) comprising:

- a. a communications server (figure 1.135; column 4 lines 47-61);
- b. at least one communications trunk connecting said communications server to a public telephone network (1.118-120 and 1.30);
- c. a remotely connected device communicating with said communications server, said remotely connected device acting as a locally connected digital telephone (1.38; column 5 lines 50-59); and
- d. a remote telephone located in the vicinity of said remotely connected device, telephonic communications being provided to and from said remote telephone in cooperation with said communications server and controlled by said remotely connected device (1.136; column 5 lines 17-23, 50-59).

Art Unit: 2667

4. In regards to claim 2, Bruno discloses a VPCN as in claim 1 further comprising: a plurality of digital telephones connected to said communications server (1.101-104; column 3 lines 46-64).
5. In regards to claim 3, Bruno discloses a VPCN as in claim 1 wherein said remotely connected device is a web enabled device connected over the Internet (column 5 line 20; column 8 lines 18-20), said VPCN further comprising: a web server connected to said communications server and the Internet (figure 3.301; 3.306; column 8 lines 22-25, 36-37, 42-44, 57-63).
6. In regards to claim 4, Bruno discloses a VPCN as in claim 3 wherein said web enabled device is a personal computer (PC) (column 5 line 20; column 8 lines 18-20).
7. In regards to claim 5, Bruno discloses a VPCN as in claim 4 wherein said PC includes a modem connecting said PC to the Internet (column 5 line 20 indicates the PC is connected with a modem).
8. In regards to claim 15, Bruno discloses a method for communicating with a private communications network, said method comprising the steps of: a) connecting a remotely located web enabled device to a communications server (figure 1 shows the remote device 138 connected to the communication server 135 through line 130); and b) initiating calls at the communications server from and to a remote telephone in the vicinity of said remotely located web enabled device, said remotely located web enabled device initiating and controlling said calls (column 5 lines 50-63 describe the method for establishing a data exchange call that is initiated and controlled by the remote device).
9. In regards to claim 16, Bruno discloses a method as in claim 15 wherein the step (a) of connecting the remotely located web enabled device comprises the steps of: i) calling an Internet

Art Unit: 2667

service provider; ii) negotiating a modem connection with said Internet service provider; and iii) connecting to a web server connected to said communications server. (These steps are inherent for connecting to the Internet using a modem and 56 kbps line (disclosed column 4 line 4).)

10. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Fenton et al. (US 5,619,555).

11. In regards to claim 1, Fenton discloses a virtual private communications network (VPCN) comprising:

- e. a communications server;
- f. at least one communications trunk connecting said communications server to a public telephone network;
- g. a remotely connected device communicating with said communications server, said remotely connected device acting as a locally connected digital telephone; and
- h. a remote telephone located in the vicinity of said remotely connected device, telephonic communications being provided to and from said remote telephone in cooperation with said communications server and controlled by said remotely connected device.

Column 5 lines 25-47 describes a system with a remote computer connected to a central server. The remote computer controls a remote telephone, located in its vicinity through the central server. Figure 1 element 20 and column 4 lines 52-67 disclose the communication server is connected to a public telephone network.

Art Unit: 2667

12. In regards to claim 6, Fenton discloses a VPCN as in claim 1 wherein said communications server is a PBX server. Column 4 lines 65 – column 5 line 3 discloses that both the remote telephone and remote device are connected through a PBX. Therefore, the central server must be a PBX server in order to communicate over the PBX networks.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. (US 6,020,915).

15. In regards to claim 9, Bruno discloses a virtual private communications network (VPCN) comprising:

- i. a communications server (figure 1.135; column 4 lines 47-61);
- j. a web server connected to said communications server and the Internet (figure 3.301; 3.306; column 8 lines 22-25, 36-37, 42-44, 57-63);
- k. a plurality of digital telephones connected to said communications server (1.101-104; column 3 lines 46-64);
- l. at least one communications trunk connecting said communications server to a public telephone network (1.118-120 and 1.30);

Art Unit: 2667

m. a remotely connected web enabled devices communicating with said communications server, said remotely connected devices each acting as a locally connected digital telephone (1.38; column 5 lines 20, 50-59; column 8 lines 18-20); and

n. a remote telephone located in the vicinity of each of said remotely connected web enabled devices, telephonic communications being provided to said digital telephones from remote telephones in cooperation with said communications server and controlled by said remotely connected web enabled devices (1.136; column 5 lines 17-23, 50-59).

Bruno does not disclose a plurality of remotely connected web enabled devices.

The fully equipped endpoints taught by Bruno require a telephone, PC, and video camera. It is well known by those in the art that a telephone and PC are common equipment owned by a vast majority of people. It is also well known that a PC equipped with a video camera, on the other hand, is a more specialized piece of equipment owned by comparably few people. Therefore, it would have been obvious to one of ordinary skill in the art to allow a plurality of the remotely connected enabled devices to be connected to the conferences taught by Bruno, because many people do not own a multimedia endpoint (voice, video, and data).

16. Claim 10 is rejected upon the same grounds as claim 4.

17. In regards to claim 11, Bruno discloses a VPCN as in claim 10 wherein at least one PC includes a modem connecting to the Internet (column 5 line 20 indicates the PC is connected with a modem), said at least one PC being connected to the web server over the Internet (figure 3 shows the PC 138 is connected to both servers 306 and 301 through the Internet 304).

Art Unit: 2667

18. Claims 7, 8, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. (US 6,020,915) in view of Weinstein et al. (US 2001/0026609).

19. In regards to claims 7 and 13, Bruno discloses a VPCN as in claims 1 or 9, but not wherein said remotely connected device is a wireless access protocol (WAP) device connected over the Internet.

Weinstein discloses a WAP device connected to the Internet in paragraph 8 on page 1.

It would have been obvious to one of ordinary skill in the art to modify Bruno's remote call placement system to include WAP enable devices because doing so would eliminate the need for a computer to act as the remotely connected device. A computer, even a laptop model, is more cumbersome to carry around and more expensive. Therefore, one of ordinary skill in the art would find it obvious to use a smaller, less expensive device in remote and therefore mobile environments.

20. In regards to claims 8 and 14, Bruno and Weinstein disclose a VPCN as in claims 7 or 13 wherein said WAP is a personal digital assistant (PDA) with a wireless connection to the Internet. Paragraph 8 on page 1 discloses an Internet connected PDA. It does not explicitly disclose that the PDA uses WAP, but WAP was developed in order to connect PDAs to the Internet and therefore the PDA is inherently WAP-enabled.

21. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al. (US 5,619,555) in view of Bruno et al. (US 6,020,915).

22. In regards to claim 12, Fenton discloses a VPCN comprising: a communications server wherein said server is a PBX server; at least one communications trunk connecting said

communications server to a public telephone network; a plurality of remotely connected device communicating with said communications server, said remotely connected device acting as a locally connected digital telephone; and a remote telephone located in the vicinity of said remotely connected device, telephonic communications being provided to and from said remote telephone in cooperation with said communications server and controlled by said remotely connected device.

Column 5 lines 25-47 describes a system with a remote computer connected to a central server. The remote computer controls a remote telephone, located in its vicinity through the central server. Figure 1 element 20 and column 4 lines 52-67 disclose the communication server is connected to a public telephone network. Column 4 lines 65 – column 5 line 3 discloses that both the remote telephone and remote device are connected through a PBX. Therefore, the central server must be a PBX server in order to communicate over the PBX networks.

Fenton does not disclose a web server connected to said communications server and the Internet, a plurality of digital telephone connected to said communications server, and that the remotely connected devices are web enabled.

Bruno discloses a web server connected to said communications server and the Internet (figure 3.301; 3.306; column 8 lines 22-25, 36-37, 42-44, 57-63), a plurality of digital telephone connected to said communications server (1.101-104; column 3 lines 46-64), and that the remotely connected devices are web enabled (1.38; column 5 lines 20, 50-59; column 8 lines 18-20).

It would have been obvious to one of ordinary skill in the art to modify remote conferencing system taught by Fenton to include Internet capability, as taught by Bruno because

Art Unit: 2667

access to the Internet allows for fast and easy access to documents participants want to share, as taught by Bruno in column 8 lines 37-63. (It also would have been obvious to one of ordinary skill to use the Internet because the Internet is available at greater distances, thus providing greater mobility (i.e. remoteness).)

Conclusion


23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Both Sammon and Raniere provide methods for connecting telephones and remote PCs using low-speed telephone lines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Friday, 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kmd



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